

### **REMARKS**

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Claims 5-7, 9-12, and 16-22 have been rejected. Claim 10 has been canceled. Claims 11, 16, 21 and 22 herewith are amended. Claims presently active are claims 5-7, 9, 11-12, and 16-22. Favorable reconsideration of the application in view of the following remarks is respectfully requested

Relying on 35 U.S.C. 102(b), the Examiner rejected claims 5, 6, and 16-22 as being anticipated by Nakai (JP 11-010762). Independent Claims 16, 21 and 22 have been amended to state that the porous foamed hydrophilic polymer is formed by the decomposition of a blowing agent in a layer coated from a solution of said swellable hydrophilic polymer, thereby essentially incorporating the feature of non-rejected dependent claim 10 (which claim has accordingly been canceled). Support for such amendment is found in original claim 10, and further in the example of the present invention, wherein the foamed polymeric layer is formed after coating of the layer composition by heat-activated reaction of blowing agents incorporated in the layer coating solution. In accordance with such feature, the independent claims have been further amended to clarify that the porous ink receiving layer(s) includes decomposition product of a blowing agent. It is further noted that to the extent the porous layer(s) of the porous sheet element of Nakai include "pigments" or "paints", such elements are distinguished from the claimed medium consisting essentially of a support and one or more porous hydrophilic polymer ink receiving layer(s) consisting essentially of a porous foamed hydrophilic polymer and decomposition product of a blowing agent (and optionally a surfactant, a crosslinker, or a crosslinker and a surfactant). Applicants therefore respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b).

Claims 5-7, 9-12, and 16-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai. According to the Examiner, Nakai teaches an inkjet recording medium which can consist essentially of multiple layers of a porous foamed

hydrophilic polymer (e.g., polyvinyl alcohol) and, optionally, a surfactant, and since the Nakai inkjet recording medium consists essentially of the same materials claimed by applicants, it is inherent that this prior art inkjet recording medium functions in the manner (i.e., “swellable”) claimed by applicants. The Examiner further states that the experimental modification of this prior art in order to ascertain optimum operating conditions (e.g., determine compositional proportions) fails to render applicants’ claims patentable in the absence of unexpected results. The rejection is respectfully traversed.

As explained above, independent claims 16, 21 and 22 have been amended to require that the porous foamed hydrophilic polymer is formed by the decomposition of a blowing agent in a layer coated from a solution of said swellable hydrophilic polymer. Rather than merely reflect obvious “experimental modification” of the prior art, such feature patentably distinguishes from Nakai as Nakai appears to be specifically directed towards manufacture of a lamination type porous sheet obtained by applying a mechanically stirred foamed resin-containing liquid (see, e.g., abstract). While such technique of Nakai requires coating of a pre-aerated solution, the claimed medium of the present invention advantageously may be obtained by coating of a non-aerated coating solution, followed by generation of a foam in the coated layer by decomposition of a blowing agent in such coated layer. Further, as Nakai is specifically directed towards formation of a sheet having a double cellular resin layer formed from a mixed liquid consisting mainly of resin and pigments, there would be no teaching or suggestion to provide a medium in accordance with the present claimed invention which excludes such pigments. Further, the examples of the present invention clearly demonstrate improved image stability relative to porous media comprising pigment/particle containing porous layers. In view thereof, it follows that the subject matter of the claims would not have been obvious over Nakai at the time the invention was made, and reconsideration of this rejection is respectfully urged.

In view of the foregoing remarks and amendment, the claims are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



Andrew J. Anderson  
Attorney for Applicant(s)  
Registration No. 33,564

AJA:cbf  
Rochester, NY 14650  
Telephone: (585) 722-9662  
Facsimile: (585) 477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.